

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-34610 - APPLICANT: FLO TV, INC - OWNER: UNITED STATES OF AMERICA

**** CONDITIONS ****

The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The subject site is an unimproved lot containing an existing 321-foot tall, non-conforming Radio, TV or Microwave Communication Tower, located on the north side of Del Rey Avenue, approximately 900 feet west of Monte Cristo Way. The applicant is proposing to expand the use by adding an antenna to the tower and related support equipment on the ground. As the expansion of this non-conforming use of the site is not permitted, the applicant is requesting this General Plan Amendment to change the General Plan designation from DR (Desert Rural Density Residential) to PF (Public Facilities). The result of this change, combined with the approval of an associated request for Rezoning (ZON-34611), will be that the existing use of the site will become a conforming use, and could then be expanded through the approval of a Site Development Plan Review (SDR-34612). Denial of this request will require that the associated requests also be denied, and the use will remain as a non-conforming use in its current configuration. Staff is recommending approval of this request as the use of the site for the communications tower has been in existence since 1975, and the requested change in the General Plan is compatible with the adjacent surrounding uses.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/05/86	The City Council approved an Annexation (A-0009-85) of property located on the south side of Charleston Boulevard between Fort Apache Road and Torrey Pines Drive for 1,470 acres of various zoning classifications. The Planning Commission and staff recommended approval of the request. The effective date of the Annexation was 03/28/86.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) to amend a portion of the Southwest Sector of the General Plan on properties bounded by Holmby Channel, Via Olivero Avenue, Rainbow Boulevard, and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). The Planning Commission and staff recommended approval of the request.
11/08/07	A Code Enforcement citation (#59678) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 11/15/07.
10/08/08	A Code Enforcement citation (#70520) was issued at the northwest corner of Del Rey Avenue and Tioga Way for trash and debris. Code Enforcement closed the case on 10/14/08.

07/23/09	<p>The Planning Commission recommended denial of companion items ZON-34611 and SDR-34612 concurrently with this application.</p> <p>The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #6/bts).</p>
<i>Related Building Permits/Business Licenses</i>	
09/30/74	A Grant lease (#N-7884) was approved by the Bureau of Land Management for a communications site. The Grant lease will expire on September 29, 2024.
09/31/74	A Building Permit (#BP-19,658) was issued by the United States of America Federal Communications Commission for a 321-foot antenna. The permit was finalized on 07/31/75.
<i>Pre-Application Meeting</i>	
05/08/09	<p>The following items were discussed at the pre-application meeting:</p> <ul style="list-style-type: none"> • The existing 321-foot communication tower and associated equipment was discussed. • The proposed co-location of a 25-foot antenna, new satellite dishes and related equipment was discussed. • Staff discussed the proposed General Plan Amendment from DR (Desert Rural Density Residential) to PF (Public Facilities).
<i>Neighborhood Meeting</i>	
06/10/09	<p>A neighborhood meeting was held at 6:30 pm at the Johnson Community School located at 340 Vila Monterey Drive, Las Vegas, Nevada 89145. There were 15 members of the public, four representations of the applicant and one member of the Planning and Development Department present.</p> <p>The following is a list of questions, concerns and comments from the attendants of the meeting:</p> <ul style="list-style-type: none"> • The site is not being properly maintained as it has graffiti and trash on it. • The site has illegal activity occurring on it. • No landscaping is being proposed as a part of the application. • No buffer wall or fence is being proposed as a part of the application. • A request to have the notice area increased for the entire area from Cimarron to Rainbow to Sahara to Charleston. • There was a consensus of opposition towards the new tower and the change in land use and zoning.

Field Check	
06/04/09	<p>A field check was completed on the indicated date. Planning and Development found the following items;</p> <ul style="list-style-type: none"> • Staff identified the existing 321-foot communication tower and the related equipment enclosed by chain-link and barbed wire fencing. • Staff verified that there is graffiti and debris on the subject site. A condition of approval has been added to the Site Development Plan Review (SDR-34612) to correct this issue.

Details of Application Request	
Site Area	
Gross Acres	10.89 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Communication Tower	DR (Desert Rural Residential) [Proposed: PF (Public Facilities)]	R-E (Residence Estates) [Proposed: C-V (Civic)]
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-PD2 (Residential Planned Development – 2 Units per Acre) and R-E (Residence Estates)
East	Single-Family Dwellings	DR (Desert Rural Density Residential)	R-E (Residence Estates)
West	Social Security Building	O (Office)	O (Office)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The existing use of the subject site for a communication tower is a non-conforming use of the land and cannot be expanded, pursuant to Title 19.16.030 (D). Approval of the subject General Plan Amendment to PF (Public Facilities) land use designation and related Rezoning (ZON-34611) from DR (Desert Rural Residential) to C-V (Civic) zoning district, will allow the proposed Radio, TV or Microwave Communication Tower as a conforming use. The surrounding parcels to the south and east are also designated as DR (Desert Rural Density Residential), O (Office) to the west and M (Medium Density Residential) to the north.

The proposed (PF) Public Facilities land use designation is compatible with the surrounding land use designations and is an appropriate category for the Radio, TV or Microwave Communication Tower use proposed for this property through Site Development Plan Review (SDR-34612); therefore, staff recommends approval of this request.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to “1”:

The applicant has proposed an addition of one antenna at a height of 300 feet on an existing tower on an existing 321-foot Radio, TV or Microwave Communication Tower. The proposed General Plan Amendment to PF (Public Facilities) allows large governmental building sites, complexes, police and fire facilities, non-commercial hospitals and rehabilitation sites, sewage treatment and storm water control facilities, schools, parks and other uses considered public or quasi-public such

as libraries, clubs and public utility facilities, which will help to establish the use and expansion the Radio, TV or Microwave Communication Tower on the subject site. The adjacent land use designations include O (Office) to the west and DR (Desert Rural Density Residential) to the east and south, and M (Medium Density Residential) to the north, all of which are compatible with the proposed designation.

In regard to “2”:

The zoning district allowed under the proposed General Plan designation is the C-V (Civic) district. The applicant has requested a zone change from R-E (Residence Estates) district as a companion item (ZON-34611). Minimum development standards for property in the C-V (Civic) district shall be established by the City Council in connection with the approval of a rezoning application or administratively in connection with the approval of a site development plan. The standards shall be designed to ensure compatibility of the development with existing and planned development in the surrounding area.

In regard to “3”:

Access to the site is provided by Del Rey Avenue, a 60-foot Local Street as designated by the Master Plan of Streets and Highways. The subject property is located within an area of the City where all utilities, fire and police services are currently in place and available. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

In regard to “4”:

There are no other applicable plans and policies that apply to the subject site.

PLANNING COMMISSION ACTION

There were 3 speakers in opposition of this project at the Planning Commission Meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 2

SENATE DISTRICT 8

NOTICES MAILED 161 by City Clerk

APPROVALS 0

PROTESTS 11